Standard Operating Procedures for the NAFTA Joint Review of Chemical Pesticides

(10/18/2005)

I. BACKGROUND INFORMATION

The NAFTA joint review (JR) is a formal process with targeted or agreed upon time lines where the review workload is split between the countries, the reviews of data are exchanged, peer reviewed and a collaborative risk assessment is undertaken with the goal of a harmonized and simultaneous registration decision. As part of the JR process, communications with the registrants should be limited, i.e, no unilateral decisions regarding acceptance of protocols, data waivers or requirements, etc. Decisions or positions by the participating agencies should be jointly agreed upon and then jointly communicated to the registrant or applicant. All decisions on acceptance for a joint review, work split, time lines and renegotiation of worksplit and time lines are to be approved by the U.S. Environmental Protection Agency's (EPA) Director of the Registration Division, and Canada's Pest Management Regulatory Agency's (PMRA) Chief Registrar (to date, only Canada and the United States are routinely participating in the JR process).

Monthly NAFTA JR status conference call meetings with the appropriate agencies' managers and staff will be held the fourth Monday of each month from 1-2 PM (EST/EDT) to discuss the status of joint reviews and related issues. The JR Coordinators (JRCs) will send an agenda prior to the meetings. The EPA Regulatory Team Leaders (RTLs) and PMRA Science Team Leaders (STLs) are responsible for sending status updates on their JR chemicals to the JRCs so they can prepare a monthly NAFTA JR Status Report for distribution to the appropriate managers and staff. All dates for meetings, review due dates, etc. should be given as the month, day, year (i.e., spelled out or abbreviated, e.g., January 1, 2005) to ensure that all countries understand these dates.

NAFTA JR submissions must fall under one of the following groups:

TYPES OF JOINT REVIEWS

	Group 1 Reduced Risk Chemicals	Group 2 Non-Reduced Risk Chemicals: NAFTA Priorities	Group 3 Negotiated Joint Review Chemicals
Criteria	Chemicals that meet EPA's reduced risk criteria	Non-reduced risk chemicals considered NAFTA priorities (e.g., OP and methyl bromide alternatives)	Chemicals that do not meet criteria for Group 1 or 2, including: electronic data submission components, labels OECD dossier formats, and multiple AIs
Time line for regulatory decision (including screen and review)	30 days + 13 to 15 months*	30 days + 18 to 20 months*	30 days + 18 to 20 months*

***PLEASE NOTE: The amount of time allotted is an estimate which assumes that the application package is complete and there are no deficiencies, and it may also depend on the number of uses, products and risk issues which may arise during the evaluation (e.g., potential carcinogen, endocrine disruptor and mechanistic).**

II. JOINT REVIEW PRESUBMISSION CONSULTATION MEETINGS WITH REGISTRANTS

A. Registrant Request for Presubmission Consultation Meeting: The registrant must contact the JRCs in each agency to arrange for a joint presubmission consultation meeting. They must submit 4 copies of the following information **at least 45 days** prior to the pre-submission consultation meeting:

1. A cover letter indicating the type of joint review (Group 1, 2 or 3) being requested, a request for a joint presubmission consultation which provides several proposed dates for the meeting and length of time required for the meeting, lead company contact person and a company contact person for each participating country.

2. A formal letter consenting to consultation among participating agencies, including sharing of CBI; and agreeing to public announcement of the submissions.

3. The chemical/product description: name of chemical, type of pesticide, chemical structure, formulation types, proposed uses (including country-specific uses and rotational crops), use patterns, application methods, and international regulatory status. If available at the time of the presubmission meeting, they should provide copies of the draft country-specific and NAFTA labels, a label comparison review comparing the key components of the labels (e.g., same % active ingredient, same formulation type, signal word, etc.), and a completed check list with EPA guidelines, PMRA Data-Code (DACO) and the optional Organization for Economic Co-operation and Development (OECD) points to demonstrate the same data will be submitted to all countries.

4. Registrants can also request joint scientific consultation meetings with the agencies to discuss specific aspects of their submission. Registrants should provide proposed dates for the meetings in their request and submit an agenda and supporting materials **at least two weeks in advance of the meetings**. In addition, written input can be sought from agencies on draft protocols prior to submitting the pre-submission package to the agencies.

B. Joint Consultations

1. The registrants will request a consultation or meeting prior to submission. The JRCs will notify the registrant via email that their request for a joint NAFTA presubmission consultation meeting has been received. Pre-submission meetings or consultations are typically for exploring whether a chemical would be a good NAFTA JR candidate, seeking advice on science-related issues (including protocols), exploring whether or not they need to do additional tiered or special studies, providing an overview prior to full submission, etc.

2. The JRCs are responsible for organizing the presubmission consultation meetings (e.g., provide the date/time/location/conference call phone number and access code to the appropriate agency managers/staff and registrants, final agenda, take notes during the meeting, prepare and as well send draft/final minutes to the meeting participants for review and comment, etc.). Registrants are responsible for meeting minutes and should provide them to the JRCs no later than one week for comment and final approval.

3. Any previous unilateral meetings with the company held prior to the request for joint review should be discussed, to ensure all participating agencies have the same knowledge and background on the chemical.

4. All participating agencies should hold a meeting in advance of the presubmission consultation meeting to ensure there is a consensus for any potential concerns or issues.

5. The appropriate agency and company representatives from each country must be in attendance (either

in person, by conference call or videoconference).

6. Each agency should specify or confirm data requirements, ensure that submissions have common crops and use patterns where possible, and encourage the use of crop groupings for residue chemistry and to facilitate minor use registrations. Crop groupings for efficacy will be considered

7. The agencies will provide only input and guidance for data requirement waivers and protocols. The acceptance or rejection of the waivers will not be determined at this time.

8. The JR process will not consider crops which are not grown or are not targeted to be grown in participating JR countries.

III. RECEIPT AND SCREENING OF JR SUBMISSION

A. Administrative Screen

1. Applications and supporting data package (including the reduced-risk rationale and efficacy summary) to register the technical and end-use product(s) are received by all participating countries at the same time.

2. Each agency's front-end processing group (e.g., EPA's Information Services Branch/ISB) will send the registrant an acknowledgement of the receipt of their submission and proceed to conduct their front-end processing of the applications, fees, data, etc. For EPA, ISB should notify the RD Branch Chief that has been assigned the submission if it contains electronic data, OECD dossier, Reduced-Risk/OP alternative rationale, and a NAFTA Joint Review or Workshare Review component.

3. The JR Coordinators are notified of the receipt of the JR submission, who will then notify their appropriate managers and staff.

4. The PMRA Submission Coordination Division and the appropriate EPA Product Manager conduct an administrative screen of the submission for organization/completeness to ensure that all appropriate country-specific and joint data requirements identified during the presubmission meetings have been addressed in the registrant's common submission index/data matrix/ transmittal letter.

B. JR Team and Assignments

1. The JRCs will request that their agencies confirm their JR team members and prepare a draft of the JR Team Contact list for review and concurrence.

2. The JR team members (including their managers and the JRCs) will determine a preliminary worksplit and consequently, a preliminary determination of who will be the lead agency (i.e. primary reviewers) in the event of acceptance as a JR. The final worksplit must be approved by the Chief Registrar (PMRA) and Registration Division Director (EPA).

C. Label Comparison Review

1. The EPA RTL will conduct a label comparison review to ensure that the basic elements of the country-specific labels are the same (i.e., all labels must have the same active ingredients and percentages, application rates, number of applications, preharvest intervals (PHIs), etc.) and uses (except where

only appropriate in one country (e.g. citrus in U.S.)).

2. Any label differences will be immediately brought to the attention of the other agencies and the registrant to address.

D. Preliminary Science Screen

1. The agencies will conduct scientific screens for all the data elements. This screen is performed in order to ascertain if all critical components of the study reports are included that allow a comprehensive review to be performed at the next level. The screen will also identify potential additional data requirements to refine the risk assessment. Country-specific data requirements (e.g., endangered species, earthworm studies, etc.) will be reviewed by the appropriate agency.

2. The primary evaluators will send the results of their draft preliminary science screens to the secondary evaluators (counterparts in other agency) 60 days after receipt.

3. The secondary evaluators will review the science screens and provide their comments back to the primary evaluators within 3 weeks to allow for 1 week of discussion time between the agencies if needed.

E. Draft Product Chemistry and Efficacy Review (to be completed by the end of the science screen): (90 days)

1. PMRA is usually the lead for the product chemistry and efficacy reviews. PMRA will complete the primary review of product chemistry and efficacy by Day 60 and send to EPA. EPA will conduct the secondary review of the product chemistry review and send comments to PMRA within 3 weeks (by Day 81), to allow for 1 week of discussion between the agencies if needed. For efficacy, EPA's secondary review will be limited to those use patterns for which PMRA is recommending labelling changes.

2. The JRCs will arrange a JR team conference call meeting (if needed) once the product chemistry and efficacy reviews are completed should their outcome affect the other disciplines (e.g., residue chemistry, occupational exposure, labelling). If a meeting is not needed, the JRCs will send the product chemistry and efficacy reviews to the appropriate science disciplines.

3. The PMRA product chemistry evaluators will complete their review of the environmental residue analytical methods within 45 days after completion of the preliminary review and forward reviews to both EPA and PMRA e-fate evaluators as completed.

F. Reduced Risk (RR)/Organophosphate (OP) or Methyl Bromide (MeBr) Alternative Determination

1. EPA will serve as the lead agency with the other agencies participating in a joint RR/OP or MeBr alternative review of the rationale submitted by the applicant or registrant.

2. Registrant must include the rationale in the registration package at the time of submission.

3. The EPA Reduced-Risk Coordinator is responsible for providing PMRA with the RR/OP/MeBr alternative rationale along with the review schedule, and inviting PMRA and the JRCs to the review meetings. (The other agencies may provide guidance, but will not have a vote in determining whether a chemical/use is considered a candidate for RR/OP or MeBr alternative status).

3. The RR/OP or MeBr alternative determination meetings with the registrants will occur after the preliminary science review is completed for new active ingredients and first food uses of previously registered active ingredients.

V. JOINT DETERMINATION OF JOINT REVIEW STATUS

A. Internal JR Team Meeting to Determine JR Status

1. The JRCs will arrange a JR team meeting by conference call/videoconference) at the end of the preliminary science screen and reduced risk/OP or MeBr alternative status determination (if applicable) to discuss the outcome of the science screens, any deficiencies, review timeframe, and determine whether the chemical should continue to be considered for a JR.

2. This meeting will also allow team members to meet each other, establish a final team list with contact information (including supervisors) and to encourage team members to interact with each other directly.
3. If there are changes in personnel (including extended leave that may impact the JR) within the JR Team, the team member and/or their supervisors should notify the RTL/STL and the JRCs immediately and provide the information for the replacement team member.

4. From this point on, the RTLs/STLs will be the lead contact persons for the JR Team. They will be responsible for providing the status of their JR to their JRCs and raising any issues to their supervisors and JRCs.

B. Notification of JR Status to Registrant

1. The lead country's management (Canada's Chief Registrar or the Director of EPA's Registration Division) will notify the registrant of the agencies' joint position regarding its status into the JR Program, and including information concerning the outcome of the science screen and the label comparison review, type of Joint Review (Group 1, 2 or 3), and the preliminary target decision date.

2. If deficiencies or data gaps are identified during the preliminary review of the data, the registrant will be given 90 days to submit additional information to adequately address them. If the information is received within the timeframe allotted and adequately addresses the deficiencies or data gaps, then the review will continue.

3. If the information is not received within the timeframe allotted or is inadequate and insufficient, then the registrant will be advised that the chemical will no longer be considered a candidate for Joint Review and each country will determine what to do with their submission.

4. If needed, the RTL/STL will arrange a conference call/videoconference with the registrant after: 1) the JR team has met to discuss the preliminary science screen, 2) the RR/OP or MeBr alternative status determination; 3) establishing a joint position regarding deficiencies or acceptance as a JR candidate; and, 4) the target decision date.

VI. PUBLIC ANNOUNCEMENT

The EPA RTL will include in the Federal Register (FR) Notice of Filing and the FR Notice of Receipt for the chemical that it was accepted as a NAFTA Joint Review chemical. PMRA will make an announcement on the PMRA website.

VII. DATA EVALUATION

Following the successful resolution of deficiencies or gaps identified during the preliminary science screen, each Agency begins the primary review of data elements for which it is responsible, according to the worksplit agreement.

A. The lead reviewer for each discipline is responsible for:

1. Completing their assigned reviews, including using the NAFTA harmonized evaluation reports/ data evaluation records (DERs) templates containing the EPA Guideline numbers Master Record Identification Document numbers (MRID #s) and PMRA's Data Code/Submission numbers/OECD Data Points (as applicable for each country) etc., and exchanging them with their counterparts according to the review schedule. The EPA EFED contractors will put the PMRA information on the first page of each DER. On each subsequent page, the PMRA Submission number will appear at the top of each page for PMRA tracking purposes.

2. Ensuring the reviews are Quality Assurance/Quality Controlled (QA/QC'd)prior to exchange.

3. Sending their draft DERs/reviews as completed by e-mail (except for product chemistry) directly to their counterpart, RTL/STL and JRC in the other agency/country for tracking purposes.

4. Product chemistry reviews must be sent on a disk along with a paper copy by courier to the product chemistry reviewer in the other country, not via e-mail or fax due to the proprietary information contained in the reviews.

5. The following environmental fate studies must be completed first in order to generate estimates in drinking water: hydrolysis, photodegradation in water, aerobic soil metabolism, aerobic aquatic metabolism, leaching and adsorption/desorption. For Tier II input values: anaerobic aquatic metabolism and foliar dissipation (if available) are also required. When EPA is lead, the order of review priority should be conveyed to the EPA contractors along with the review schedule/due dates.

6. Primary/secondary reviewer teams should develop a review strategy and work plan by agreeing on:

   a. The general order in which the studies should be reviewed, e.g., acutes vs. chronic.

   b. The target delivery dates for components of the package.

   c. Ensure that large sets/subsets of DERs for secondary review do not arrive all at once near the deadline.

7. Each agency is responsible for reviewing their own country-specific formula statements and labels.

8. Team members must notify their supervisor, RTL/STL, and JRC immediately if any issues arise that couldn't be resolved with their counterparts, e.g., country-specific differences that may cause the countries to be unharmonized in their decisions, deficiencies that may delay the target decision date, etc.

9. The RTLs/STLs must provide a monthly update to their JRCs to update the JR Status table, and to raise issues for discussion at the monthly joint review conference call meetings.

B. Peer Review:

1. The exchange of individual draft reviews for peer review will occur as completed. Reviews should be in draft form because they are difficult to change once they have been finalized/signed-off.

2. The secondary evaluator will provide comments on the draft reviews in a separate memo and send it to the primary evaluator (cc. RTL/STL and JRC) for consideration. The evaluators should then discuss any potential modification of the reviews and come to a consensus to finalize the reviews.

3. If needed, the RTL/STL will arrange a JR Team meeting (including the JRCs) via conference call/video-conference) approximately 2-4 weeks prior to the date of completion of the last reviews to discuss the results for each discipline.

4. If required, the lead agency's RTL/STL will draft a letter to the registrant requesting clarification of issues raised by the JR team members and a timeframe in which to respond. The draft letter will be sent to the other country to review and when finalized, it will be sent to the registrant.

5. The current mechanism for both agencies to sign-off on the individual reviews is either by courier or by fax which is time consuming. Ways to shorten this process are being explored.

VIII. RISK ASSESSMENT

A. EPA should include PMRA in their committee structure/meetings. PMRA should include EPA in their major meetings. The STLs should make sure that the appropriate team members participate in these meetings and that the lead evaluators for each discipline give the presentations at the appropriate committee meetings.

B. EPA evaluators must prepare the documents for EPA committees. The committee documents should be circulated to the appropriate EPA and PMRA team members in advance of the meetings to allow the evaluators enough time to review and comment on them. PMRA will comment on documents and should participate at meetings.

C. The EPA committee structure and documentation need for them are as follows:

3. The Risk Assessment Review Committee (RARC I and II) packages must be sent to the committee members and PMRA for review and comment two weeks prior to the RARC meetings. After those meetings, the RARC reviews will be finalized and sent to PMRA.

2. The Metabolism Assessment Review Committee (MARC) package must be sent to the committee members and PMRA for review and comment two weeks prior to the MARC meeting. After the meeting, the MARC review will be finalized and sent to PMRA.

3. The Carcinogenicity Assessment Review Committee (CARC) meeting must be scheduled and the review finalized and sent to PMRA.

4. The Occupational and Residential Exposure/Dietary Exposure Science Assessment Committee (ORE/DE SAC) package must be sent to the committee members and PMRA for review and comment two weeks prior to the ORE/DE SAC meeting. After the meeting, the ORE/DE SAC review will be finalized and sent to PMRA.

5. The draft Risk Assessment must be sent to the committee and the PMRA two weeks prior to the final Risk Assessment Review Committee (RARC II) meeting. The RARC report will be finalized after the committee meeting, and the final RARC report will be sent to the RTLs/STLs and the JRCs. (Please note: The draft Risk Assessment should be sent to the EPA RTLs so they can work on the draft Federal Register Final Rule.)

6. The EPA Health Effects Division (HED) team members, RTLs/STLs, and JRCs will be invited to participate in the PMRA Health Evaluation Division Section Head meeting. Appropriate documentation will be circulated two weeks prior to the meeting.

D. To the extent possible, a collaborative risk assessment will be conducted by each agency for discussion at final decision making committees.

IX. IDENTIFYING AND ADDRESSING EPA/PMRA DIFFERENCES IN THE EVALUATION AND RISK ASSESSMENT PROCESS

A. Should differences arise at any time during the JR process, the RTL/STLs should bring it to the attention of the respective Division Director and JRCs for resolution.

B. If differences cannot be resolved, the Division Directors should consult with their management peers in each agency and direct these differences to the Regulatory Capacity Building (RCB) Committee for resolution.

X. REGISTRATION DECISION AND DOCUMENTATION

A. If any of the RTLs/STLs have any issues or problems with the JR, they should immediately notify their supervisors, senior managers, and JRCs for discussion and resolution. The other JR Team members should be made aware of the issues and the resolution of them.

B. The lead RTL/STL will arrange a joint US/Canada "issues overview" conference call meeting with the US and Canada registrant and appropriate JR Team members (including the JRCs) to discuss any outstanding issues, e.g., label changes, risk mitigation measures, etc. Prior to this meeting, a teleconference call between agencies should be held to ensure that both agencies have arrived at the same regulatory decision, and if not, to clarify why.

C. If needed, the lead RTL/STL will arrange an internal conference call between the agencies to discuss the risk assessments, harmonize them where possible, and negotiate a proposed risk management decision.

D. Each country is responsible for its own final review and risk assessment document

preparation.

E. If needed, the JRCs and the lead RTL/STL will arrange a joint conference call JR Team meeting with the registrant to provide the proposed regulatory decision. This may also be done via e-mail if no further issues need to be addressed.

F. Each country/agency will be responsible for their country-specific regulatory decision consultation and documentation processes. Each country will publish a public announcement on the regulatory decision. For EPA, it will be announced in the Federal Register Final Rule and in the Notice of Registration of a New Active Ingredient. For PMRA, it will be through the Gazette I and II process for MRL promulgation, in addition to Proposed Regulatory Decision Document/Regulatory Note sign off by the registrant.